

1 The Hon. John C. Coughenour
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10 UNITED STATES DISTRICT COURT FOR THE
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE
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15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 KENNETH JOHN RHULE,
19 Defendant.
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22 No. CR20-105-JCC
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25 **MOTION FOR A FINAL
26 ORDER OF FORFEITURE**
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NOTE ON MOTION CALENDAR:
March 10, 2023

28 The United States, by and through its undersigned counsel, moves pursuant to
29 Federal Rule of Criminal Procedure (“Fed. R. Crim. P.”) 32.2(c)(2) for a Final Order of
30 Forfeiture forfeiting, to the United States, Defendant Kenneth John Rhule’s interest in the
31 following property:

32 1. The real property commonly known as 29428 181st Street SE, Monroe,
33 Washington 98272, Snohomish County, Parcel No. 27081800202100 and
34 all of its buildings, improvements, appurtenances, fixtures, attachments and
35 easements, more particularly described as follows:

1 LOT 12, AS SHOWN ON SURVEY RECORDED IN VOLUME 14 OF
2 SURVEYS, PAGE 107, UNDER SNOHOMISH COUNTY RECORDING NO.
3 8107085004, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, BEING
4 LOCATED IN SECTION 18, TOWNSHIP. 27 NORTH, RANGE 8 EAST, W.M,
5 IN SNOHOMISH COUNTY, WASHINGTON; and

6 2. The real property commonly known as 29424 181st Street SE, Monroe,
7 Washington 98272, Snohomish County, Parcel No. 27081800200200 and
8 all of its buildings, improvements, appurtenances, fixtures, attachments and
9 easements, more particularly described as follows:

10 LOT 11, AS SHOWN ON SURVEY RECORDED IN VOLUME 14 OF
11 SURVEYS, PAGE 107, UNDER SNOHOMISH COUNTY RECORDING NO.
12 8107085004, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, BEING
13 LOCATED IN SECTION 18, TOWNSHIP. 27 NORTH, RANGE 8 EAST, W.M,
14 IN SNOHOMISH COUNTY, WASHINGTON.

15 This motion is based on the following procedural facts, which are reflected in the
16 pleadings filed and orders entered in this matter, as well as the supporting declaration of
17 Assistant United States Attorney (“AUSA”) Krista K. Bush.

18 On February 23, 2022, the Defendant entered a plea of guilty to Conspiracy to
19 Manufacture or Distribute Marijuana, as a lesser included offense to the offense charged
20 in Count 8 of the Indictment, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and
21 846. Dkt. No. 127. In his Plea Agreement, the Defendant agreed to forfeit, pursuant to
22 21 U.S.C. § 853(a), all proceeds of and property used, or intended to be used, to commit
23 or to facilitate his commission of the offense, including the above-identified real
24 properties (“Real Properties”). *Id.* ¶ 12. The Defendant specifically admitted that the Real
25 Properties facilitated the drug conspiracy. *Id.* ¶¶ 8(d)-(e), 12. On May 31, 2022, the Court
26 entered a Preliminary Order of Forfeiture finding the Real Properties forfeitable pursuant
27 to 21 U.S.C. § 853(a) and forfeiting the Defendant’s interest in them. Dkt. No. 146.

1 Thereafter, as required by 21 U.S.C. § 853(n)(1) and Fed. R. Crim. P.

2 32.2(b)(6)(C), the United States published notice of the Preliminary Order of Forfeiture
 3 and its intent to dispose of the Real Properties in accord with governing law.

4 Dkt. No. 153. That notice informed any third parties claiming an interest in the Real
 5 Properties that they were required to file a petition with the Court within 60 days of the
 6 notice's first publication on June 1, 2022. *Id.* As required by Fed. R. Crim. P.

7 32.2(b)(6)(A), the United States sent notice and a copy of the Preliminary Order to
 8 potential claimants. *See* Declaration of AUSA Krista K. Bush, ¶¶ 2-4, Exhibits A-E. As
 9 provided by 21 U.S.C. § 853(n)(2), the notice informed the recipients that if they wanted
 10 to assert an interest in the Real Properties, they were required to file a petition within 30
 11 days. *See id.* At least one notice to each potential claimant was successfully delivered.

12 *See id.* The last of the notices was delivered on January 30, 2023. *See id.* No third-party
 13 claims were filed and the relevant period for doing so has now expired. *See* 21 U.S.C.
 14 § 853(n)(2), Fed. R. Crim. P. 32.2(b)(6), and Fed. R. Civ. P., Supp. R. G(5)(a)(ii).

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1 As the Defendant's rights in the Real Properties have been forfeited to the
2 United States and ancillary proceedings have now concluded, the United States
3 respectfully requests the Court enter a Final Order forfeiting them to the United States. A
4 proposed order is submitted with this motion.

5 DATED this 2nd day of March, 2023.
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Respectfully submitted,
NICHOLAS W. BROWN
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2023, I electronically filed the foregoing Motion for Final Order of Forfeiture with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

s/ Donna R. Taylor
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